



# ALTERNATIVE DISPUTE RESOLUTION



## MEDIATION

Click on mouse to scroll through  
presentation



# **MEDIATION - AN ALTERNATIVE FOR DISPUTE RESOLUTION**

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**Mediation is a dispute resolution process  
which is non-adversarial in nature**

**Seeks not to declare winners or losers, but  
to find reconciliation between disputing  
parties**





# MEDIATOR



**Webster defines a mediator as “one who serves as an intermediary to reconcile differences”**





## GOOD NEWS STORIES



**Department of Justice:  
Medicaid Drug Rebate  
Program resolved claims for  
more than \$360 million in 46  
states**



**Air Force: Between FY 92 and  
FY 95, the reported use of ADR  
to resolve EEO complaints  
increased five-fold and the  
average number of days  
required to settle formal EEO  
complaints decreased by 60%**





# MEDIATION - BENEFITS



## ***Win-Win Situation*** ***n***

- ❖ Confidential
- ❖ Encourages open communication
- ❖ Allows parties to resolve differences themselves



- ❖ Saves money/time
- ❖ Neutral Third Party mediates
- ❖ EEO complaint process continues if no agreement reached



# **MEDIATION -- THE PROCESS**



**Physical setting**

**Remarks by the parties**



**Joint discussion**

**Caucus**



**Reconvening parties**

**Writing agreement**



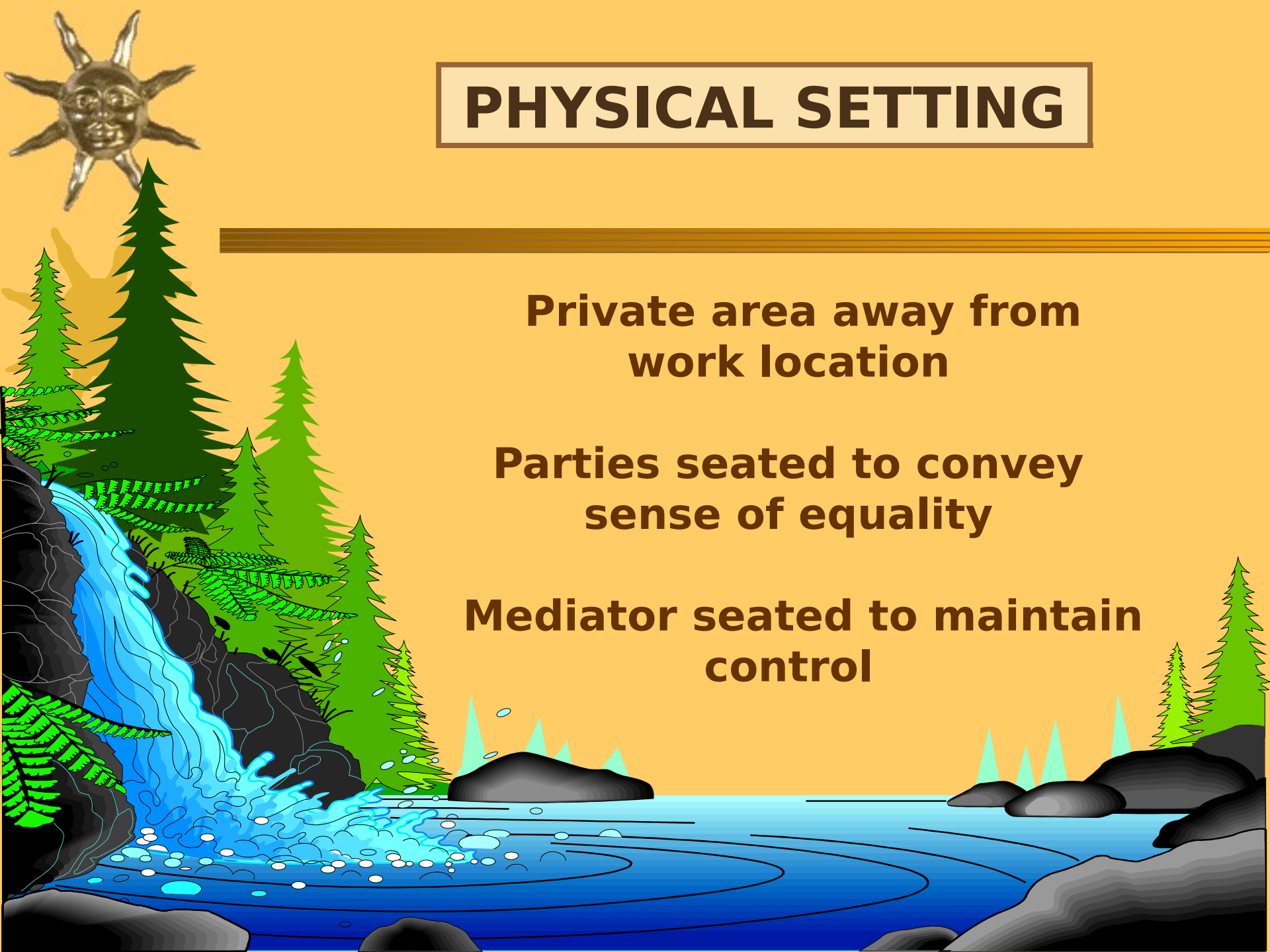
# PHYSICAL SETTING

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**Private area away from  
work location**

**Parties seated to convey  
sense of equality**

**Mediator seated to maintain  
control**





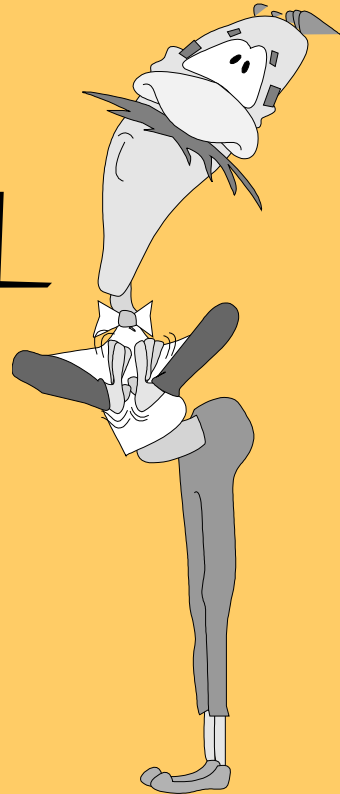
# REMARKS BY THE PARTIES

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**Mediator opens the session**

**Parties have the opportunity to make opening remarks and present their issues**





# JOINT DISCUSSION

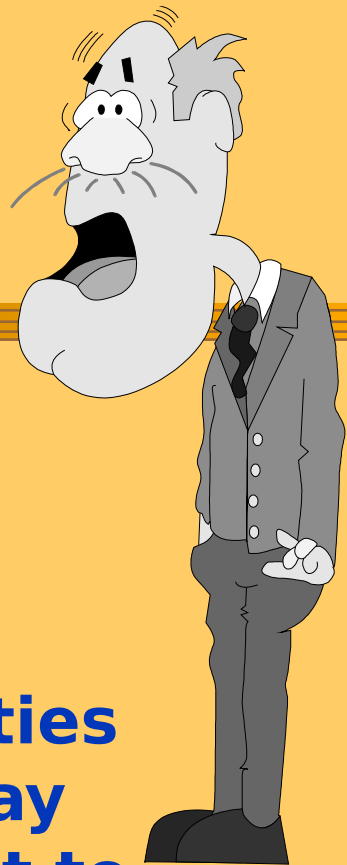
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**Mediator facilitates  
through several means**



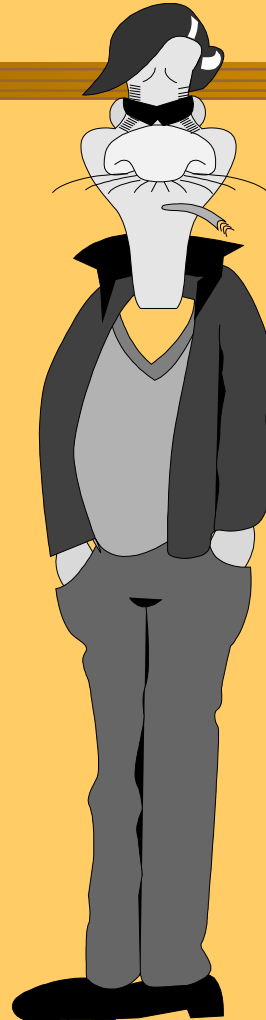
**Open  
exchange  
is  
encourag  
ed**



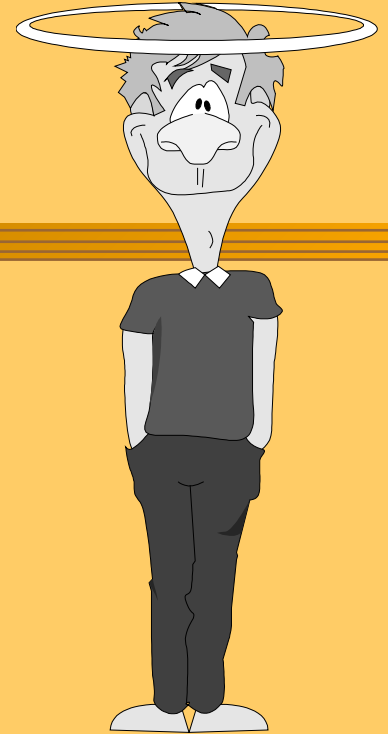
**Parties  
may  
want to  
produce  
evidenc  
e**

# CAUCUS

**Mediator meet  
with  
complainant**



**Mediator meet  
with  
management**





# RECONVENING PARTIES

**Agreement**



**No  
Agreement**





# WRITING AGREEMENT

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**Mediator writes**

**Parties  
responsible  
for  
substance**





# **MEDIATION OBSTACLES**

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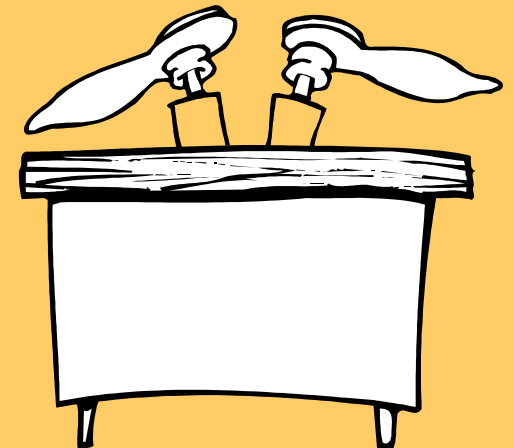


**Dispute is inappropriate**

**Approval authority not in attendance**



**Lack of an agreement**





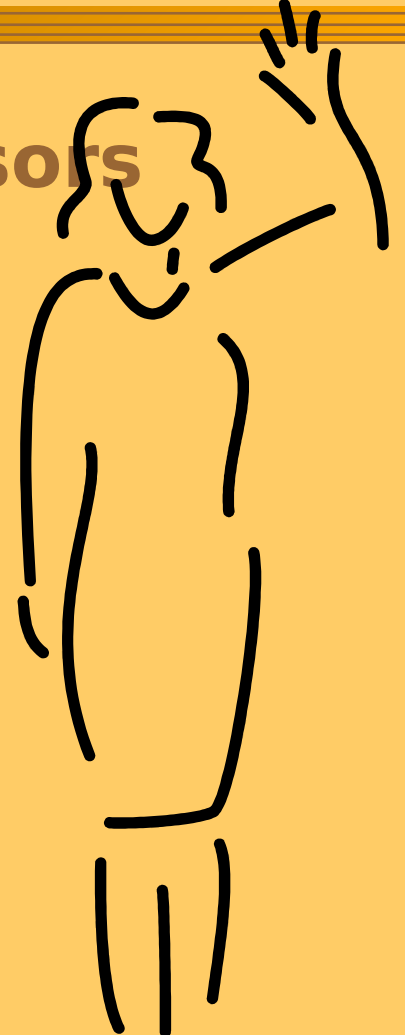
# MEDIATION BENEFITS YOU!



**Managers/Supervisors**

**Counselors**

**Employees**





# NOTE PAGES

**Several  
charts  
contain note  
pages with  
additional  
information**

